

REMARKS

Claims 1-42 are in this application.

Reconsideration and allowance of claims 1-42 is respectfully requested for the reasons set out below.

The Examiner rejected claims 1, 2, 5-9, 12-19, 22-31, and 34-42 under 35 U.S.C. 103(a) as being unpatentable over Chen (U.S. Patent No. 6,859,460) in view of Scott et al. (U.S. Patent No. 6,816,464) and in further view of Smith et al. (U.S. Patent No. 6,862,298).

Applicant notes that the Chen reference (Patent 6,859,460) and the instant application are commonly owned and both were commonly owned when the invention covered by the claims in the present invention was made. Both the Chen Patent 6,859,460 and the present application are assigned to Cisco Technology Inc.

The assignment of the present application is recorded in the USPTO at reel 011723 and frame 0713.

Section 37 USC 103(c) states:

“subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f) and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person.”

Since the subject matter of the Chen reference and the subject matter of the present invention were both developed by employees of Cisco Technology Inc. and since both the Chen reference and the present application have been assigned to Cisco Technology Inc., a rejection under 35 U.S.C. 103(a) is not proper and applicant respectfully requests withdrawal of this reference.

It is noted that the rejection of claims 1, 2, 5-9, 12-19, 22-31, and 34-42 is a rejection based upon "Chen in view of" several other references. Since Chen is not an appropriate reference, the rejection based upon Chen in view of the other references is not a proper rejection.

The Examiner also objected to claims 3, 4, 11, 20, 21, 32, and 33 as being dependent upon a rejected base claim. The examiner indicated that these claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Since the rejection of the claims on which these claims depend was inappropriate, applicant also respectfully requests withdrawal of this rejection.

Conclusion: For the reasons explained above, reconsideration and allowance of claims 1-42 is respectfully requested. The Examiner is encouraged to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

Customer No. 20575

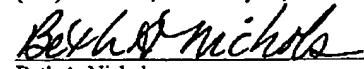
Respectfully submitted,

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I hereby certify that this correspondence
is being transmitted to the U.S. Patent and
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(571) 273-8300, on January 25, 2006.


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